

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15640 of Pyramid Builders Association, Inc., as amended, pursuant to 11 DCMR 3108.1, for a special exception under Section 353 to allow new residential development for a subdivision and construction of one-detached single-family and thirteen single-family row dwellings in an R-5-A District at premises 5110-22, 5200-10 D Street and 5125 Call Place, S.E. (Square 5313, Lot 32).

HEARING DATE: April 22 and June 17, 1992
DECISION DATE: July 1, 1992

SUMMARY ORDER

The application was originally advertised for a special exception under Section 353 for new residential development and a variance from Sub-section 2116.2 from the location of parking requirements, and scheduled for the public hearing of April 22, 1992. The Board continued the public hearing on June 17, 1992 to allow the applicant an opportunity to explore other site design options and to have the application re-advertised in the alternative to include a variance from the off-street parking requirements of 11 DCMR 2101. The revised plans submitted by the applicant provided the required off-street parking as garages within the proposed dwellings. Therefore, the variances from Section 2116.2 or Section 2101 were eliminated leaving the special exception under Section 353 as the only zoning relief necessary.

The Board duly provided timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 7E and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 7E. ANC 7E, which is automatically a party to the application, did not submit written issues and concerns.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 353. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in opposition to this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

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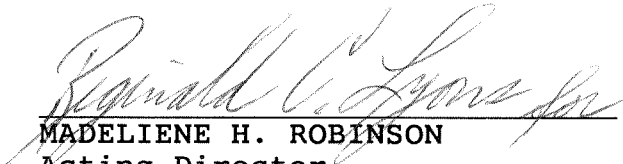
Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, and that the requested relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with said Zoning Regulations and Map. It is therefore **ORDERED** that the application is **GRANTED**, **SUBJECT** to the **CONDITION** that construction and landscaping shall be in accordance with the revised plans marked as Exhibit Nos. 41 through 44 and 47 of the record.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 4-0 (Angel F. Clarens, William L. Ensign, Paula L. Jewell and Carrie L. Thornhill to grant; Sheri M. Pruitt not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER: JUL 11 1992

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

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UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15640Order/bhs

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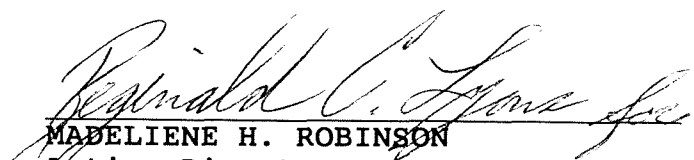
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As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on June 10, 1979 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Edward M. Johnson
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Washington, D.C. 20010

Pyramid Builders Association Inc.
Att: Juan R. Scott
P.O. Box 31279
Capitol Heights, Maryland 20743

Herbert Boyd, Jr., Chairperson
Advisory Neighborhood Commission 7B
3200 S Street, S.E.
Washington, D.C. 20020


MADELIENE H. ROBINSON
Acting Director

DATE: _____

15640Att/bhs